



JOHN NAIMO
ACTING AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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August 12, 2014

TO: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: John Naimo
Acting Auditor-Controller

A handwritten signature in cursive script that reads "John Naimo".

SUBJECT: **PROBATION DEPARTMENT JUVENILE HALLS - DEPARTMENT OF
JUSTICE SETTLEMENT AGREEMENT MONITORING - JUNE 1, 2013
THROUGH DECEMBER 31, 2013**

In April 2003, the Department of Justice (DOJ) notified the County of Los Angeles (County) and the Los Angeles County Office of Education (LACOE) of its findings that certain conditions at the juvenile halls violated youths' constitutional and federal statutory rights, and subjected them to harm. As a result, the County and LACOE entered into a settlement agreement with the DOJ to implement reforms.

The Probation Department (Probation) led the implementation of the settlement agreement provisions in coordination with LACOE, the Department of Mental Health (DMH), and Juvenile Court Health Services (JCHS). In October 2009, the DOJ concluded that the County and LACOE implemented all of the settlement agreement provisions. At the request of the Chief Executive Officer, we continue to monitor the County's compliance with the 35 settlement agreement provisions.

During this review, we evaluated Probation's compliance with nine medium risk provisions that relate to the safety, security, and rehabilitation of the minors while in custody at the juvenile halls. We previously reported on Probation's compliance with 16 provisions that we identified as the highest risk in our reports issued on February 8, 2012, January 31, 2013, and December 20, 2013.

Results of Review

Our review indicated that Probation maintained compliance with seven (78%) of the nine DOJ settlement agreement provisions reviewed. However, we noted deficiencies in Probation's compliance with two provisions. Specifically, Probation staff:

- Did not always ensure that minors at risk for self-harm were kept away from sharp objects. (Provision 26)
- Did not conduct six (22%) of the 27 rehabilitative programming sessions reviewed, and did not have documentation justifying the cancellations as required. (Provision 33)

Review of Report

We discussed the results of our monitoring review with Probation management. Probation's response (Attachment I) indicates the corrective actions planned and/or already taken to restore compliance with the provisions. We plan to conduct another monitoring review within the next six months to determine the status of compliance with the additional settlement agreement provisions.

We thank Probation, DMH, JCHS, and LACOE management and staff for their continued cooperation and assistance during our review. Please call me if you have any questions, or your staff may contact Don Chadwick at (213) 253-0301.

JN:AB:DC:AA:gh

Attachments

c: William T Fujioka, Chief Executive Officer
Jerry E. Powers, Chief Probation Officer
Marvin J. Southard, D.S.W., Director, Department of Mental Health
Mitchell H. Katz, M.D., Director, Department of Health Services
Arturo Delgado, Ed.D., Superintendent, Los Angeles County Office of Education
Public Information Office
Audit Committee

**Los Angeles County Probation Department Juvenile Halls
Department of Justice Settlement Agreement
Monitoring Results
June 1, 2013 through December 31, 2013**

Background

In April 2003, the Department of Justice (DOJ) notified the County of Los Angeles (County) and the Los Angeles County Office of Education (LACOE) of its findings that certain conditions at the juvenile halls violated youths' constitutional and federal statutory rights, and subjected them to harm. As a result, the County and LACOE entered into a settlement agreement with the DOJ to implement reforms.

The Probation Department (Probation) led the implementation of the settlement agreement provisions in coordination with LACOE, the Department of Mental Health (DMH), and Juvenile Court Health Services (JCHS). In October 2009, the DOJ concluded that the County and LACOE implemented all of the settlement agreement provisions. At the request of the Chief Executive Officer, we continue to monitor the County's compliance with the 35 settlement agreement provisions.

Scope of Review

Covering the period of June 1, 2013 through December 31, 2013, we interviewed Probation and DMH staff, and reviewed documentation maintained at Central Juvenile Hall (Central), Barry J. Nidorf Juvenile Hall (Barry J.), and Los Padrinos Juvenile Hall (Los Padrinos), to determine whether the County complied with nine of the 35 settlement agreement provisions that we determined as medium risk:

- Substance Abuse (Provision 16)
- Sharing of Information (Provision 23)
- Assessment of Self-Harming Minors (Provision 24)
- Management of Suicidal Minors (Provision 25)
- Care for Self-Harming Minors (Provision 26)
- Rehabilitation (Provision 33)
- Group Punishment (Provision 34)
- Youth Movement Between Halls (Provision 36)
- Minor Orientation (Provision 37)

Substance Abuse (DOJ Provision 16)

The County shall refer minors with substance abuse disorders for available services within the juvenile halls, as appropriate. For minors with mental health and substance abuse disorders (co-occurring disorders), services shall be provided by DMH. Minors without co-occurring disorders shall receive services from licensed community-based providers contracted by DMH.

Current Status: In Compliance

We reviewed 45 substance abuse treatment referrals made by Probation, DMH, JCHS, or LACOE staff from June through October 2013, and traced the names of the referred minors to Probation and DMH's substance abuse treatment tracking logs. Probation and DMH appropriately enrolled the minors, and tracked their progress in DMH's substance abuse treatment program.

Sharing of Information (DOJ Provision 23)

The County and LACOE shall develop and implement policies, procedures, and practices to ensure that arresting officers (Law Enforcement), Probation, JCHS, and DMH staff members share appropriate information regarding potentially suicidal or self-harming youth. The County shall ensure that appropriate outside officials and family members are notified following a suicide attempt.

Current Status: In Compliance

We reviewed the Unified Arrestee Medical Screening forms completed by the arresting officer for 105 minors (32 from Central, 36 from Barry J., and 37 from Los Padrinós) delivered to the juvenile halls between June and September 2013. For all 105 minors, Probation staff obtained information regarding potentially suicidal or self-harming behaviors exhibited by the youth from the arresting officers. We also reviewed the Initial Intake Questionnaires completed by Probation staff, and verified that Probation staff assessed the minor's physical condition upon arrival at the facility.

In addition, Probation identified ten (10%) of the 105 newly admitted minors as potentially suicidal or self-harming youth during intake, and we confirmed that Probation promptly communicated the relevant information to DMH, JCHS, and LACOE. We also reviewed Probation's Monthly Alert Logs, Individual Behavior Modification Program (IBMP) meeting minutes, and interviewed management, and determined that there were no suicide attempts at the juvenile halls from June through September 2013.

Assessment of Self-Harming Minors (DOJ Provision 24)

The County shall ensure that licensed mental health professionals provide timely assessment and daily assessment of youth deemed at-risk for suicidal behaviors, or more frequent reassessment as appropriate, as well as, appropriate follow-up assessment once minors are discharged from suicide precautions.

Current Status: In Compliance

DMH completed timely initial assessments for all ten minors identified during intake as exhibiting potentially suicidal or self-harming behaviors. In addition, DMH completed all of the required daily assessments for the 24 minors reviewed (eight from Central, ten from Barry J., and six from Los Padrinós) that were deemed at-risk for suicidal

behaviors. We also reviewed the behavioral charts for 12 minors (five from Central, five from Barry J., and two from Los Padrinos) discharged from enhanced supervision following a suicide precaution and verified that DMH completed the required follow-up assessments within 24 hours.

Management of Suicidal Minors (DOJ Provision 25)

The County and LACOE shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with Probation and LACOE staff in the management of youth exhibiting suicidal behaviors. This involvement includes the creation of individual behavior modification programs (County) and if needed, creation for a youth of a Behavior Support Plan or Behavior Intervention Plan (LACOE), and decisions about appropriate clothing, bedding, and housing/supervision (County).

Current Status: In Compliance

We reviewed the monthly Alert Logs shared by Probation, DMH, JCHS, and LACOE identifying all youth exhibiting suicidal behaviors. We also reviewed the weekly IBMP meeting minutes for each juvenile hall from June through September 2013, and confirmed that Probation, DMH, JCHS, and LACOE staff collaborated on the development of treatment plans for all 32 minors enrolled in the IBMP (16 from Central, ten from Barry J., and six from Los Padrinos). In addition, we confirmed that the treatment plans for the 32 minors addressed the areas of clothing, bedding, and housing/supervision.

Care for Self-Harming Minors (DOJ Provision 26)

The County shall develop a continuum of services and responses to meet the needs of self-harming minors, including revised supervision practices to minimize incidents of self-harm and appropriate access to hospital services and specialized residential facilities.

Current Status: Not In Compliance

We reviewed the observation logs and release forms for all eight psychiatric transports that took place at the three juvenile halls from June through December 2013, and noted that Probation facilitated the movement of the minors into a specialized treatment facility or hospital within four hours of receiving the initial request from DMH as required.

For the 32 minors reviewed in the previous section, we also verified that Probation housed the minors at the supervision level identified in their treatment plan. However, based on our inspection of the rooms of six minors housed in an enhanced supervision unit, we found that two of the rooms contained sharp objects that the minors could use to harm themselves. Specifically, one room contained sharp plastic containers, and the

other room contained a plastic comb, which is not allowed as it could be made into a sharp object.

Rehabilitation (DOJ Provision 33)

The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County and LACOE shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

Current Status: Not In Compliance

We reviewed the life-skills programming components in Probation's Behavior Modification Program Handbook and Probation's daily programming schedules. In addition, we reviewed Probation's rehabilitative program tracking logs and the minors' exercise packets for 27 rehabilitative programming sessions (nine at each juvenile hall) from July through September 2013. We also reviewed Probation's Daily Recreational Logs and observed two days of recreational activities for 15 living units (five from each juvenile hall) from October through December 2013.

We confirmed that all life-skills topics were covered in Probation's daily programming schedules. However, Probation cancelled six (22%) of the 27 rehabilitative programming sessions reviewed, and did not have documentation justifying the cancellations as required. In addition, Probation did not have documentation justifying the cancellation of one day of recreational activities for one of the living units we reviewed.

Group Punishment (DOJ Provision 34)

The County shall ensure that staff do not engage in group punishment implicating individual rights of which juveniles may not be deprived without due process protections, in response to individual youths' behavior violations, absent exigent security concerns.

Current Status: In Compliance

We reviewed the Facility Rounds Report and Program Modification Logs and confirmed that Probation did not engage in group punishment. In addition, we did not observe any group punishment during the observational reviews of the dayroom and recreational activities we completed from October through December 2013.

Youth Movement Between Halls (DOJ Provision 36)

The County shall ensure that movement of minors between juvenile halls does not interfere with on-going testing or provision of medical, mental health, or educational services, unless court proceedings, treatment, or security needs require such

movement. LACOE shall provide appropriate information to the County to support implementation of this provision.

Current Status: In Compliance

We reviewed 161 youth transfers (79 from Central, 13 from Barry J., and 69 from Los Padrinos) that took place between the three juvenile halls from July through September 2013, and noted that Probation obtained clearances from JCHS and DMH to ensure that the movement did not conflict with any pending appointments. In addition, we reviewed the weekly meeting minutes for five minors scheduled for educational testing and verified that they were allowed to participate in the testing.

Minor Orientation (DOJ Provision 37)

The County shall ensure that all youth, including those who are disabled or limited English proficient receive orientation sufficient to communicate important information such as how to access the grievance system, medical care and mental health services, or report staff misconduct.

Current Status: In Compliance

We reviewed the Orientation Checklists for a sample of 135 newly admitted minors (45 from each juvenile hall) from July through September 2013, and noted that Probation completed the orientations within 48 hours of arrival, as required. In addition, the minors signed the Orientation Checklists and post orientation questionnaires, acknowledging that they understood the information presented.



**COUNTY OF LOS ANGELES
PROBATION DEPARTMENT**

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(562) 940-2501



JERRY E. POWERS
Chief Probation Officer

June 6, 2014

TO: John Naimo
Acting Auditor-Controller

FROM: Jerry E. Powers *Felicia Cotton for*
Chief Probation Officer

**SUBJECT: RESPONSE TO THE AUDITOR-CONTROLLER'S DEPARTMENT OF
JUSTICE SETTLEMENT AGREEMENT MONITORING – JUNE 1, 2013
THROUGH DECEMBER 31, 2013**

The following is Probation's response to the Auditor Controller's County of Los Angeles Probation Department's Juvenile Halls-Department of Justice Settlement Agreement monitoring results for June 1, 2013 through December 31, 2013.

Probation maintained compliance with the following seven of nine (78%) provisions reviewed by the Auditor-Controller's Office:

- Substance Abuse (Provision 16)
- Sharing of Information (Provision 23)
- Assessment of Self-Harming Minors (Provision 24)
- Management of Suicidal Minors (Provision 25)
- Group Punishment (Provision 34)
- Youth Movement Between Halls (Provision 36)
- Minor Orientation (Provision 37)

Noted deficiencies in Probation's compliance with two (2) provisions are as follows:

- Care for Self-Harming Minors (Provision 26)
- Rehabilitation (Provision 33)

The following includes specific information regarding the two (2) provisions where Probation is not in compliance:

Rebuild Lives and Provide for Healthier and Safer Communities

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CARE FOR SELF-HARMING MINORS (DOJ Provision 26)

The county shall develop a continuum of services and responses to meet the needs of self-harming minors, including revised supervision practices to minimize incidents of self-harm and appropriate access to hospital services and specialized residential facilities.

Probation Response: Probation agrees with the findings.

- Probation was 100% in compliance with information entered in observation logs and release forms (100% or eight of the eight psychiatric transports that took place at the three juvenile halls and that Probation facilitated the movement of the minors into a specialized treatment facility or hospital within four hours of receiving the initial request from the Department of Mental Health as required during the monitoring period).
- Probation was 100% in compliance with the housing of minors at the supervision level identified in their treatment plan (100% or 32 of the 32 minors reviewed during the monitoring period), however, Probation was 67% in compliance with minors housed in an enhanced supervision unit as their rooms were not free of sharp objects, that they could use to harm themselves (67% or 2 of the six minors' rooms reviewed during the monitoring period were not free of sharp objects; 1 minor had a comb at Barry J. Nidorf Juvenile Hall or BJNJH and 1 minor at BJNJH had discarded plastic wraps with sharp edges).

Special supervision Probation staff responsible for conducting searches will be retrained to complete searches of all self-harming minor's rooms for these types of objects and remove them, as well as document the results of the search on the Safety Check in accordance with Departmental policy. Staff will be required to sign off on Enhanced and Specialized Supervision policy to ensure staff are properly trained. Probation management is following up with staff accountability related to compliance with Departmental policy in this area.

REHABILITATION-LEAPS (DOJ Provision 33)

The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County and LACOE shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

Probation Response: Probation agrees with the findings.

- Probation was 100% in compliance with all life-skills programming components in daily programming schedules.
- Probation was 77% in compliance as staff did not document justification for cancelling six (6) of the 27 rehabilitative programming sessions (at BJNJH) as required. Additionally, Probation was 93% in compliance as staff did not document the justification for cancelling one (1) day of recreational activities for one (1) the 15 units reviewed during the monitoring period.

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All Life Accelerated Assessment of Personal Skills (LEAPS) program cancellations require a Special Incident Report (SIR), documenting the reason that the activity was cancelled. Because the SIRs were not submitted, Probation management followed up with applicable staff accountability (corrective action) related to compliance with Departmental policy in this area. Additionally, Directive 1162 (Substance Abuse Treatment Services in Juvenile Hall) was re-issued relative to LEAPS and the applicable supervisors will conduct Unit meetings to reiterate the procedure for cancelling activities which includes the required documentation (SIRs) and approval by the on-duty supervisor.

Please contact me if you have any questions, or your staff may contact Sharon Harada at (562) 940-2506.

JEP:fc

c: Don Meyer, Assistant Chief Probation Officer
Felicia Cotton, Deputy Chief
Sharon Harada, Bureau Chief